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February 5, 2003

02-06-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #10

VIA FACSIMILE (CONF. BY FEDERAL EXPRESS)

Albert Zervas, Esq.
Trademark Trial and Appeal Board
South Tower Building
2900 Crystal Drive
Arlington, VA 22202

RE: *Galleon S.A. v. Havana Club Holding, S.A.*,
Trademark Trial and Appeal Board Cancellation No. 24,108

Dear Mr. Zervas:

Fish & Neave has been asked by Empresa Cubana Exportadora De Alimentos y Productos Varios, S.A., dba Cubaexport ("Cubaexport") to represent it in connection with the above-referenced cancellation proceeding. By order of the Trademark Trial and Appeal Board, dated January 21, 2003, Cubaexport was joined as a respondent in the cancellation proceeding. Respondents were allowed forty days from the mailing date of the order to file and serve a response to petitioners' previously filed summary judgment motion.

We write to request a telephone conference with you, counsel for petitioners and counsel for respondent Havana Club Holding, S.A. ("HCH") in order to seek an extension of time in which to serve a response to petitioners' summary judgment motion in the cancellation proceeding for the reasons stated below.

1251 AVENUE OF THE AMERICAS, NEW YORK, NY 10020 TEL 212.596.9000 FAX 212.596.9090
525 UNIVERSITY AVENUE, PALO ALTO, CA 94301 TEL 650.617.4000 FAX 650.617.4090
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Cubaexport is a Cuban enterprise whose offices are in Havana, Cuba. Under the Cuban Assets Control Regulations ("CACR"), as amended, 31 C.F.R. §§ 515.101-515.901 (1999),¹ certain transactions involving property in which Cuba or a national thereof has an interest are prohibited except as specifically authorized by the Secretary of the Treasury or the Director of the Office of Foreign Assets Control ("OFAC") by means of a license or otherwise. 31 C.F.R. §§ 515.201 and 515.802.

Accordingly, on January 29, 2003, immediately upon request by Cubaexport for Fish & Neave's representation in connection with this cancellation proceeding, Fish & Neave submitted an application to OFAC for a specific license pursuant to the CACR to defend Cubaexport in the cancellation proceeding and to solicit and receive fee payments and reimbursements for expenses incurred in connection with Fish & Neave's legal representation of Cubaexport. A copy of Fish & Neave's application to OFAC is annexed hereto as Exhibit A. Although we requested expedited consideration of our application, we are still awaiting a decision from OFAC.

We also understand that this matter has a long and complex record extending back several years and including past litigation proceedings in multiple federal courts. Assuming that Fish & Neave receives the requested license from OFAC to represent Cubaexport, Fish & Neave will require additional time to obtain the complete file in this matter and the related litigation and to fairly represent Cubaexport in the cancellation proceeding, including by becoming familiar with the extensive history and legal issues in this 7-year old matter, addressing with counsel for HCH prior proceedings here, and coordinating efforts with counsel for HCH in the cancellation proceeding. It may be necessary to travel to Cuba to meet with representatives of Cubaexport.

Without a license to proceed and without obtaining the relevant documents, we are not in a position to proceed. For the reasons stated above, we are requesting a telephone conference to seek an extension of ninety (90) days from the March 3, 2003 date set in the January 21, 2003 order to obtain the OFAC license we have requested and for respondents to file and serve a response to petitioners' summary judgment motion.

¹ The CACR was promulgated pursuant to Section 5(b) of the Trading with the Enemy Act of 1917, as amended, 12 U.S.C. § 95a. The Cuban Liberty and Democratic Solidarity Act, Pub.L. No. 104-114, 110 Stat. 785 (1996) codified the CACR.

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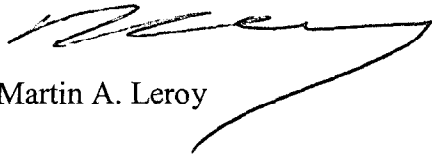
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We have sought consent from counsel for the petitioners, who refused it. We are available for a telephone conference at your convenience and will make arrangements to include counsel for petitioners and counsel for respondents at your suggested time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. Leroy", with a long, sweeping horizontal stroke extending to the right.

Martin A. Leroy

MAL:afg
Enclosure

cc: William Golden, Esq. (Counsel for petitioners) (via facsimile)
Charles Sims, Esq. (Counsel for respondent) (via facsimile)

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EXHIBIT A